

MONDAY, JULY 15, 1991

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# SENATE JOURNAL

SEVENTY-SECOND LEGISLATURE — FIRST CALLED SESSION

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AUSTIN, TEXAS

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## PROCEEDINGS

**FIRST DAY**  
(Monday, July 15, 1991)

In obedience to the Proclamation of The Honorable Ann W. Richards, Governor of the State of Texas, the Senate met in the Senate Chamber of the State Capitol at Austin, Texas, on the 15th day of July, 1991, at 10:00 a.m. and was called to order by The Honorable Bob Bullock, Lieutenant Governor and President of the Senate.

The President directed the Secretary of the Senate to call the roll of the Senate.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Glasgow, Green, Halcy, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lucio, Moncrief, Montford, Parker, Ratliff, Rosson, Sibley, Sims, Tejada, Truan, Turner, Whitmire, Zaffirini.

Absent-excused: Lyon.

The President announced a quorum of the Senate present.

Father David C. Penticuff, St. Peter's Episcopal Church, Lago Vista, offered the invocation as follows:

Almighty God, fountain of wisdom, whose statutes are good and gracious and whose law is truth, we beseech Thee to guide and direct the Special Session of the 72nd Legislature of the State of Texas. In particular, we ask Thy blessing upon the Lieutenant Governor and these Senators here assembled. Enlighten their hearts and minds, save them from pride and arrogance, grant them courage in the face of difficult decisions, that they may impartially ordain for our governance only such things that will find favor in Thy sight, and will redound to the well-being of the citizenry of Texas; all of which we ask through Jesus Christ our Lord. Amen.

### LEAVE OF ABSENCE

Senator Lyon was granted leave of absence for today on account of important business on motion of Senator Glasgow.

### PROCLAMATION FROM THE GOVERNOR

The following Proclamation from the Governor was read and was filed with the Secretary of the Senate:

**P R O C L A M A T I O N**  
**BY THE**  
**GOVERNOR OF THE STATE OF TEXAS**

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Under the provisions of Article IV, Section 8 of the Texas Constitution, I, Ann W. Richards, Governor of Texas, do hereby call a special session of the 72nd Legislature, to be convened in the city of Austin commencing at 10:00 a.m., the 15th day of July, 1991, for the following purpose:

Legislation providing for organizational and budgetary efficiency in state government, including legislation providing for consolidation of state agencies, reorganization of state programs, and reductions in the cost of state government.

The Secretary of State will take notice of this action and will notify the Members of the Legislature.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 3rd day of July, 1991.

/s/Ann W. Richards  
Governor of Texas

ATTEST:

/s/John Hannah, Jr.  
Secretary of State

**SENATE CONCURRENT RESOLUTION 1**

Senator Haley offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, the House of Representatives concurring, That the Senate and the House meet in Joint Session in the Hall of the House of Representatives at 11 a.m., Monday, July 15, 1991; and, be it further

RESOLVED, That the Honorable Ann Richards, Governor of the State of Texas, be, and is hereby, invited to address the 1st Called Session of the 72nd Legislature in Joint Session at this time.

The resolution was read and was adopted by a viva voce vote.

**ESCORT COMMITTEE APPOINTED**

In accordance with the provisions of S.C.R. 1, the President announced the appointment of the following as a Committee to Escort The Honorable Ann W. Richards, Governor of the State of Texas, to the Joint Session: Senators Brooks, Chair; Harris of Dallas, Leedom, Parker, Truan.

**SENATE RESOLUTION 1**  
**(Caucus Report)**

Senator Brooks offered the following resolution:

Honorable Bob Bullock  
Lieutenant Governor  
Senate of Texas  
Austin, Texas

Sir:

At a caucus held in the office of the Senate attended by 30 Members of the Senate, the following recommendations were made, to wit:

BE IT RESOLVED by the Senate, That:

The following officers were elected to serve for the 72nd Legislature, 1st Called Session, at the will of the Senate:

Secretary of the Senate - Betty King

Calendar Clerk - Pat Rodgers

Doorkeeper - James Morris

Enrolling Clerk - Patsy Spaw

Journal Clerk - Dianne Arrington

Sergeant-at-Arms - Carleton Turner

Status Clerk - Kay Hughes

All officers and employees appointed by this caucus shall hold their office of employment for the duration of the 72nd Legislature, 1st Called Session.

It is recommended that the Lieutenant Governor and the Secretary of the Senate each be permitted to name secretarial staff and assistants at salaries designated by the Lieutenant Governor and the Administration Committee respectively. The Parliamentarian, Robert Johnson, is to be named by the Lieutenant Governor.

It is further recommended that the Administration Committee appoint a sufficient number of custodians, messengers, elevator operators, porters, and other employees as may be necessary. The Lieutenant Governor is authorized to designate any member of the Senate or Senate staff to attend official meetings of national governmental organizations during the 72nd Legislature, 1st Called Session, while in session. Actual and necessary expenses are hereby authorized as reimbursement for such trips. The Lieutenant Governor shall have the authority to designate a member of the Senate to represent the Senate at ceremonies and ceremonial functions. Necessary expenses for performance of these duties and for necessary staff are hereby authorized to be paid pursuant to a budget approved by the Administration Committee.

It is further recommended that each Senator shall be permitted a maximum payroll of \$20,000 per month for secretarial and other office staff and for intrastate travel expenses for staff employees. Any unexpended portion of this amount may be carried forward from month to month until the end of the fiscal year. In order to accrue vacation leave, compensatory/overtime leave, or sick leave, employees of members must file monthly time sheets with the Senate Personnel Office by the 10th of the month following the month in which work was performed. Employees of members and committees must use compensatory/overtime accrued in a given month by the end of the same month of the following year. Compensatory/overtime accrued prior to January 1, 1991, will not be carried forward after January 1, 1992. No compensatory/overtime will be paid at either the end of the fiscal year or at an employee's termination.

The Lieutenant Governor, Senators, and the Secretary of the Senate are hereby fully authorized and empowered to use any assistant Sergeant-at-Arms and all other necessary employees for any and all services needed in and about the Senate.

It is further recommended that the Lieutenant Governor, each Senator, and the Secretary of the Senate be permitted to subscribe for newspapers as necessary to be paid out of the contingent fund and be allowed the stationery and postage needed by them respectively, and expenses incurred in transmitting and receiving telephone and express charges as may be actually necessary in the discharge of their official duties, said expenses to be paid out of the contingent fund.

It is further recommended that not to exceed 700 journals be printed, all of which shall be prorated among the Senators and Lieutenant Governor, except that 175 journals shall be furnished the members of the House.

It is further recommended that the Legislative Reference Library be furnished 60 copies of the daily journal.

It is further recommended that all salaries and expenses herein authorized to be incurred and paid for shall be paid out of the per diem and contingent expense fund of the 72nd Legislature as follows: The Senate shall request the State Comptroller of Public Accounts to issue general revenue warrants for the payment of the employees of the Lieutenant Governor's office, the Lieutenant Governor, Members of the Senate, employees of the Senate committees, and employees of the Senate, except as provided in Section 301.030, Government Code, upon presentation of the payroll account signed by the Chairman of the Administration Committee and the Secretary of the Senate; and for the payment of materials, supplies, and expenses of the Senate, including travel expenses for Members and employees, upon vouchers signed by the Chairman of the Senate Committee on Administration and the Secretary of the Senate.

It is further recommended that no employee of the Senate shall, during the time employed by the Senate, furnish to any person, firm, or corporation any information other than general information furnished the public pertaining to the Senate, and the employee shall not without permission receive any compensation from any person, firm, or corporation during employment by the Senate, and any employee found guilty of violating this provision shall be immediately discharged.

All employees, except those responsible directly to the Lieutenant Governor, Members of the Senate, Secretary of the Senate, committee, or to the head of a department, shall report for duty at 8 a.m. and 1:00 p.m. each day to the Sergeant-at-Arms of the Senate, except part-time employees, who shall report at the place and time directed by the Sergeant-at-Arms, and none of such employees shall be paid for the days they are absent from the Senate, unless excused by the Sergeant-at-Arms.

It is further recommended that the chairman of each standing committee shall have authority to employ such additional employees of his own selection as may be needed by said committee, said employees to receive the same compensation paid similar positions as herein fixed, and to discharge the duties of said standing committee, subject to the approval of the Administration Committee.

It is further recommended that no employee of the Senate, except one whose official duties require the employee to work upon the floor of the Senate, shall have access to the floor unless that employee shall have been requested by a Senator, the Lieutenant Governor, or the Secretary of the Senate to come on the floor for some official duty, after the performance of which the employee shall immediately leave the floor of the Senate. The Sergeant-at-Arms is specifically ordered to see that this provision is carried out.

Only those who have privileges of the floor during the session of the Senate shall be permitted on the Senate floor for a period of 30 minutes prior to the time the Senate convenes and 30 minutes after the Senate adjourns. The Sergeant-at-Arms is instructed to enforce this rule and to permit only those having the privileges of the floor to enter or remain on the Senate floor during such 30-minute periods.

Respectfully submitted,

**BROOKS**  
Chairman of the Caucus

**O. H. HARRIS**  
Secretary of the Caucus

The resolution was read and was adopted by a viva voce vote.



and procedures for allocating and expending the appropriated funds; and declaring an emergency.

**S.B. 2** by Parker, Barrientos, Brooks, Dickson, Sims, Finance  
Ellis, Rosson, Moncrief, Zaffirini, Lucio, Truan, Johnson, Tejeda  
Relating to the oversight and regulation of the state's environmental resources, natural resources, and energy resources; providing civil and criminal penalties.

**S.B. 3** by Montford, Brooks, Bivins, Barrientos, Finance  
Dickson, Leedom, Moncrief, Zaffirini, Carriker, Lucio  
Relating to state and local government finances, including the administration, management, use, payment, expenditure, transfer, receipt, and collection of certain state and local revenue, and the authority of certain state agencies to issue bonds and make certain expenditures.

**S.B. 4** by Dickson Administration  
Relating to the establishment of a financial consumers' association to enhance the delivery and regulation of financial services in the state; providing a civil penalty.

**S.B. 5** by Glasgow, Leedom, Ratliff, Montford Finance  
Relating to the imposition, application, rates, collection, and administration of various fees and taxes and to the allocation of revenue from fees and taxes.

**S.B. 6** by Glasgow, Barrientos, Green, State Affairs  
Ratliff, Zaffirini  
Relating to the regulation, construction, financing, and use of highways, rail facilities, airports, and other facilities for public transportation, including the regulation of private vehicles operated on highways.

**S.B. 7** by Glasgow, Ratliff, Rosson, Zaffirini, State Affairs  
Dickson, Bivins, Moncrief, Carriker  
Relating to the functions, including licensing functions, and reorganization of state agencies; providing penalties.

**S.B. 8** by Harris of Dallas, Dickson, Green, State Affairs  
Leedom, Rosson, Montford  
Relating to the regulation of insurance and the powers and duties of the Texas Department of Insurance.

**S.B. 9** by Armbrister, Johnson, Bivins, Administration  
Brown, Leedom  
Relating to the escheat of certain funds paid under a prepaid funeral contract.

**S.B. 10** by Parker, Haley, Brooks, Rosson, Truan, Finance  
Dickson, Leedom, Lucio, Johnson, Zaffirini  
Relating to primary, secondary, and post-secondary education.

**S.B. 11** by Brooks, Dickson, Johnson, Zaffirini, Bivins Finance  
Relating to the administration of, benefits payable by, and credit established in the Teacher Retirement System of Texas.

**S.B. 13** by Glasgow, Brooks State Affairs  
Relating to workers' compensation insurance rate regulation, the powers and duties of the Texas workers' compensation insurance facility, the abolition of the Texas workers' compensation insurance facility, and the creation of the Texas Workers' Compensation Insurance Fund; creating offenses and providing penalties; authorizing bonds, providing for a maintenance tax surcharge; and making an appropriation.

**S.B. 14 by Glasgow, Brooks** Economic Development  
Relating to the regulation of employee leasing entities; creating offenses and  
providing civil and criminal penalties; appropriating fees.

**S.B. 17 by Leedom** **Finance**  
Appropriating money for the support of the Judicial, Executive, and Legislative Branches of the State Government, for the construction of State buildings, and for State aid to public junior colleges, for the period beginning September 1, 1991 and ending August 31, 1993; authorizing and prescribing conditions, limitations, rules, and procedures for allocating and expending the appropriated funds; and declaring an emergency.

**S.B. 18 by Leedom** Intergovernmental Relations  
Relating to commissioning as peace officers security officers who protect persons  
and property at housing authorities.

<b>S.B. 19 by Leedom</b>	<b>Finance</b>
Relating to reports required to be adopted by public retirement systems and reports to be submitted to the State Pension Review Board.	

**S.B. 20 by Leedom** State Affairs  
 Relating to printing evaluations by the State Purchasing and General Services  
 Commission.

**S.B. 21 by Leedom** **State Affairs**  
**Relating to recovery of certain retirement benefits by a public retirement system.**

**S.B. 22** by Brooks, Moncrief, Zaffirini, Truan,  
Dickson, Johnson, Lucio, Tejeda  
Relating to the delivery of health and human services.

**S.B. 23** by Barrientos, Brooks, Johnson, Administration  
Green, Ellis  
Relating to public officers and employees and to public servant benefits.

**S.B. 24** by Lyon, Brooks, Johnson, Administration  
Moncrief, Brown, Truan, Sibley  
Relating to the efficient operation of the institutional division of the Texas Department of Criminal Justice, including the parole of special needs offenders, the provision of services and facilities to the institutional division by private vendors, and the issuance of general obligation bonds for acquiring, constructing, or equipping corrections institutions.

**S.B. 25 by Barrientos** Administration  
Relating to the continuation, functions, and change of the name of the State Purchasing and General Services Commission, the transfer of responsibility for architectural barrier programs from the commission to the Texas Department of Licensing and Regulation, the transfer of responsibility for the personal property accounting system from the commission to the comptroller, and the acquisition by the commission and other entities of property and services; providing penalties.

**S.B. 37 by Rosson** Natural Resources  
 Relating to the use of funds in the low-level waste fund, to certain fees imposed to finance the Texas Low-Level Radioactive Waste Disposal Authority, and to the issuance of revenue bonds by the authority.

**S.B. 38** by Haley  
Relating to the terms of the Second 9th District Court.

- S.B. 39** by Haley Jurisprudence  
Relating to the application of the professional prosecutors law to the criminal district attorney of Polk County.
- S.B. 40** by Haley Jurisprudence  
Relating to the creation of a judicial district composed of Nacogdoches County.
- S.B. 41** by Haley Jurisprudence  
Relating to the application of the professional prosecutors law to the criminal district attorney of San Jacinto County.
- S.B. 42** by Brooks Jurisprudence  
Relating to the appointment of a former or retired justice of the peace to serve as temporary justice.
- S.B. 43** by Brooks Intergovernmental Relations  
Relating to county budget officers.
- S.B. 44** by Parker Finance  
Relating to tax abatement agreements and truth in taxation.
- S.B. 45** by Parker Natural Resources  
Relating to terms and compensation of directors of the Trinity Bay Conservation District.
- S.B. 46** by Parker Intergovernmental Relations  
Relating to the qualifications of sheriffs.
- S.B. 47** by Haley Administration  
Relating to the creation, purpose, implementation, and organization of the County Park Compost Program.
- S.R. 7** by Haley Administration  
Resolving that beginning December 1, 1991, and continuing for a minimum of 24 consecutive calendar months, the Senate and its necessary operations of the State of Texas shall occupy office space on contiguous floors in One Capitol Square.
- S.J.R. 1** by Green, Johnson State Affairs  
Proposing a constitutional amendment in aid of turnpikes, toll roads, and toll bridges.
- S.J.R. 2** by Harris of Tarrant, Leedom State Affairs  
Proposing a constitutional amendment relating to compensation for property taken for public use.
- S.J.R. 3** by Bivins, Leedom Finance  
Proposing a constitutional amendment relating to administrative expenses of state public retirement systems and contributions to the Employees Retirement System of Texas and the Teacher Retirement System of Texas.
- S.J.R. 4** by Lyon, Dickson, Brown, Bivins, Leedom, Administration  
Sibley, Truan  
Proposing a constitutional amendment providing for the authorization for issuance of general obligation bonds for acquiring, constructing, or equipping new corrections institutions, mental health and mental retardation institutions, and youth corrections institutions and for major repair or renovation of existing facilities of those institutions.
- S.J.R. 6** by Sibley State Affairs  
Proposing a constitutional amendment to limit the number of times an official in the executive or legislative department of the state may be elected.



S.J.R. 7 by Parker Intergovernmental Relations  
Proposing a constitutional amendment authorizing the legislature to prescribe the  
qualifications of sheriffs.

**SENATE NOTIFIED**

A Committee from the House of Representatives appeared at the Bar of the Senate, and Representative Earley for the Committee notified the President and Members of the Senate that the House was organized and ready to transact business.

**CAPITOL PHYSICIAN**

Senator Brooks was recognized and presented Dr. Robert Johnston of La Porte as the "Doctor for the Day."

The Senate welcomed Dr. Johnston and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

**MESSAGE FROM THE HOUSE**

House Chamber  
July 15, 1991

HONORABLE BOB BULLOCK  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 1, Inviting the Honorable Ann Richards, Governor of the State of Texas, to address the 1st Called Session of the 72nd Legislature in Joint Session on Monday, July 15, 1991 at 11 a.m.

Respectfully submitted,  
BETTY MURRAY, Chief Clerk  
House of Representatives

**MESSAGE FROM THE SUPREME COURT OF TEXAS**

The following Message from the Supreme Court of Texas was read and was referred to the Committee on Nominations:

**THE SUPREME COURT OF TEXAS**  
July 15, 1991

To the Senate of the Seventy-Second Texas Legislature:

The Supreme Court of the State of Texas has made the following appointment which requires the advice and consent of the Senate:

To the Board of Directors of the State Bar of Texas:

Mrs. Jesse Carrasco  
3300 Pershing Drive  
El Paso, Texas 79903

Mrs. Carrasco is appointed from five names submitted to the Supreme Court by the Governor, pursuant to Texas Government Code Section 81.020(b)(4) and (c). The appointment is for a term of three years.

The advice, consent and confirmation of the Senate is requested.

Respectfully submitted,

/s/Thomas R. Phillips  
Chief Justice

**SENATE RULE 11.11 SUSPENDED**

On motion of Senator Haley and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Administration might consider the following bills and resolution today:

S.B. 4  
S.B. 9  
S.B. 23  
S.B. 24  
S.B. 47  
S.J.R. 4

**HOUSE OF REPRESENTATIVES NOTIFIED**

The Committee to Notify the House of Representatives that the Senate was organized and ready to transact business appeared at the Bar of the Senate, and Senator Moncrief for the Committee notified the President and the Members of the Senate that the Committee had performed the duty assigned it.

The President discharged the Committee.

**SENATE RULE 11.11 SUSPENDED**

On motion of Senator Glasgow and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on State Affairs might consider the following bills tomorrow:

S.B. 7  
S.B. 22

**SENATE RULE 11.11 SUSPENDED**

On motion of Senator Montford and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Finance might consider the following bills today:

S.B. 17  
S.B. 2

**SENATE RULE 11.11 SUSPENDED**

On motion of Senator Montford and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Finance might consider the following bills and resolution tomorrow:

S.B. 10  
S.B. 3  
S.J.R. 3

**GOVERNOR NOTIFIED**

The Committee to Notify the Governor that the Senate was organized and ready to transact business appeared at the Bar of the Senate, and Senator Krier for

the Committee notified the President and the Members of the Senate that the Committee had performed the duty assigned it.

The President discharged the Committee.

#### **MOTION TO ADJOURN**

On motion of Senator Brooks and by unanimous consent, the Senate agreed to stand adjourned until 9:00 a.m. tomorrow upon the conclusion of the Joint Session to hear the address by The Honorable Ann W. Richards, Governor of Texas.

#### **JOINT SESSION**

(To hear address by The Honorable Ann W. Richards, Governor of the State of Texas)

The President announced the time had arrived for the Joint Session as provided for by S.C.R. 1.

The President of the Senate and the Senators present, escorted by the Secretary of the Senate and the Sergeant-at-Arms, proceeded to the Hall of the House of Representatives to hear the address of the Governor of Texas.

The President was announced and, on invitation of the Speaker, occupied a seat on the Speaker's Rostrum.

The Senators were announced and were admitted and escorted to seats prepared for them along the aisle.

The Honorable Ann W. Richards, Governor of Texas, accompanied by her party, was announced by the Doorkeeper of the House.

Governor Richards and her party were escorted to the Speaker's Rostrum by Senators Brooks, Harris of Dallas, Leedom, Parker and Truan on the part of the Senate, and Representatives Delco, Junell, Rangel, Telford and Watkins on the part of the House.

The President called the Senate to order and announced a quorum of the Senate present.

The Honorable Gib Lewis, Speaker of the House of Representatives, called the House to order, announced a quorum of the House present and stated the purpose of the Joint Session.

Speaker Lewis then introduced platform guest John Sharp, Comptroller of Public Accounts.

Upon introduction by Lieutenant Governor Bob Bullock, Governor Richards addressed the Joint Session as follows:

#### **REMARKS OF GOVERNOR ANN W. RICHARDS TO THE SPECIAL SESSION OF THE TEXAS LEGISLATURE JULY 15, 1991**

Good morning and welcome back to Austin.

I want to begin by expressing my gratitude to the man of the hour—the man who took on the difficult task of auditing every state agency and came back with a report that gives us an opportunity to break the mold without breaking the bank.

Thank you, John Sharp.

We also owe thanks to the Lieutenant Governor whose unmatched understanding of state finance led him to insist that we conduct the audits and keep our options open.

Thank you, Bob Bullock.

And Mr. Speaker, when you received pressure from any number of quarters to get on with writing a budget and tax bill before the audits were completed, you stood firm.

Thank you, Gib Lewis.

Thanks to the leadership of these three men and the patience of this legislature, we are now beginning a session where there is not even a remote possibility of an income tax.

While we are offering thanks this morning, I must also make special mention of three state leaders who increased my knowledge during the interim.

I have learned a lot of valuable lessons in the last six months but none so valuable as what I learned from Congressman Charles Stenholm, Senator Steve Carriker and Representative David Counts when they accompanied me to the Stamford Cowboy Reunion Rodeo.

At that rodeo, we watched a wild mare race which, for the uninitiated among you, involves four cowboys trying to get a saddle on a wild horse and then ride it.

Stenholm, Carriker and Counts informed me that one of the cowboys has the job of settling the horse down. And the way he does it is to bite the horse's ear.

And it occurred to me that what we are undertaking this session is much the same.

We are biting the ear of government—settling it down long enough to get a saddle on it and turn it into a workhorse.

And I plan to do my part.

I have asked all my appointees to boards and commissions, including boards of regents, to come to Austin this week.

We are going to have a heart-to-heart talk.

And the message is that no agency of government is a sacred cow and no one is exempt from the duty to find ways to save money in hard times.

I want this legislature to know that you are not being asked to make hard decisions and take the heat alone.

Instead of drawing a line in the dirt and daring you to take the first step over it, this administration will stand with you to deliver for the people of Texas.

During this session, we have three major tasks:

- eliminating and consolidating state agencies,
- developing a budget that allows us to give the people the services they want at a price they can afford,
- and then and only then, after all other alternatives are exhausted, we consider the revenue side.

Right now, we have a state government that is like a huge complex of fun house mirrors. When you try to navigate or get anything done, you meet yourself coming and going.

If you have a health or human services problem, you confront fourteen health and human services agencies that among them oversee something on the order of three hundred programs.

If you want a license, you can run down the list of twenty-eight freestanding licensing agencies.

If you are out of work, you look for jobs at one agency, look for information on future prospects of occupations from another, and you investigate the possibility of training in scores of unconnected agencies.

And if you want to talk to someone who is in charge—good luck.

One of the incredible facts that came out of Sharp's report is that the twenty-six largest agencies of state government have 338 advisory boards with 4,000 members at a direct cost of five million dollars.

And the indirect costs are enormous.

When the Department of Commerce sent a delegation on a ribbon-cutting trip to Frankfurt, they had a refueling stop in Paris that lasted three days.

And when we called them on it, they did nothing because the person who ran Commerce was hired by a board appointed by somebody else and he said he was not responsible because he was just doing what his board told him to do, and the board said they followed the executive director's lead.

And I am telling you that we can cut and consolidate to a fare-thee-well but it won't do any good as long as we have to depend on a system where oversight is assigned to voluntary boards who are often the captives of the bureaucracy rather than its masters.

We will never end this syndrome of "the board made me do it" and "it's not my job" until the agencies of this state know that they can be held to account not every two years, but every day.

Every time we make a budget, we take what we spent last time and add on to it.

We don't question whether what we spent was necessary—at the time of the expenditure or after the fact.

It is time for us to question not only when the budget is made, but when the budget is spent.

Holding the bureaucracy to account for their actions and their spending requires a governor that has the authority to hire and fire and a legislature that shares interim control and oversight of the budget.

We must establish specific goals to measure fiscal responsibility and governmental achievement.

We cannot do it all overnight; there must be a careful and well-organized transition that allows us to avoid confusion and disruption.

But we must begin this biennium with a budget that starts lean and stays lean.

I am urging you to stick with Sharp's bottom line and give us the tools we need to make it work.

And I am asking you to include in that budget the dollars that allow us to keep commitments we have made.

We committed to health insurance for teachers and we should keep that commitment.

We committed to fair treatment for retirees and we should keep that commitment by providing a five percent cost of living increase for retired teachers—many of whom are living below the poverty level.

We committed to reducing the threat of crime caused by drug and alcohol abuse and we can keep that commitment by funding the program that will require inmates to kick their addictions before we set them loose.

We made a promise to the court and the school children of Texas and we must keep that promise by fully funding the school finance bill.

And if additional revenues are needed to keep those promises, we should use that need as an opportunity to take important actions.

Number one, we should allow the people to vote on a lottery. It is the rarest of all creatures: a popular way to generate revenue.

And number two, we must restructure the franchise tax. Conceived in 1907, it has remained fundamentally unchanged, and there is widespread agreement within the business community that it is unfair and a true impediment to economic growth.

We can reform that tax and generate dollars more fairly.

The work laid out for this session is massive and complex, but we have had six months of preparation and anticipation.

We have done our homework and we have good reason to hope that this summer school session of ours is short and successful.

There is a sense of unanimity in this session unlike anything we have seen in a long time.

Everyone here knows I am a Democrat—have been all my life—and proud of it.

But the issues before us are neither Democratic nor Republican—they are challenges for Texas and opportunities for the Texans in this room to create a government that works as hard as the taxpayers who pay our salaries.

This Democrat was elected Governor of all Texans, and I intend to do my best to create an atmosphere where all of us—Democrats and Republicans—can work together.

That may sound naive, but maybe this is our opportunity to indulge in a little naivete, to strip away the skepticism that too often develops in political life and get back to the high purpose that drew most of us to public service in the first place.

The Speaker, the Lieutenant Governor, and I have worked hard to reach agreement.

With the help of members who called with suggestions and encouragement and able staffs that have worked around the clock for weeks, we have gotten this horse settled down and saddled.

We have led the horse to water.

But only you can make it drink.

The people of Texas are counting on you, and we are expecting nothing but the best.

#### MEMORIAL RESOLUTIONS

**S.R. 6** - By Montford: In memory of former County Sheriff C. H. "Choc" Blanchard of Lubbock.

**S.R. 12** - By Brown: In memory of longtime Angleton Mayor Bernard G. Peck.

#### CONGRATULATORY RESOLUTIONS

**S.R. 3** - By Barrientos: Recognizing the Bells of Joy for their performance at the Kennedy Center's Juneteenth Jubilee in Washington, D.C.

**S.R. 4** - By Lyon: Extending congratulations to Leon Vineyard of Terrell on being selected to be a member of the University of North Texas Hall of Fame.

**S.R. 5** - By Lyon: Paying tribute to Vernice Crayton Melontree on the occasion of her retirement from the Tyler Independent School District.

**S.R. 8** - By Turner: Recognizing the schools in the Hearne Independent School District on the occasion of their 100th anniversary.

**S.R. 9** - By Turner: Extending congratulations to Eugene I. Hwang of Troop No. 802 on achieving the rank of Eagle Scout.

**S.R. 10** - By Ratliff: Extending congratulations to Brian David Williams of Gilmer's Troop 314 on achieving the rank of Eagle Scout.

**S.R. 11** - By Ratliff: Extending congratulations to William Glen Holloway of Mount Pleasant on achieving the rank of Eagle Scout.

**S.R. 13** - By Sibley: Extending congratulations to Cotter and Company for being chosen the August "Industry Showcase" by the Corsicana Area Chamber of Commerce.

**S.R. 14** - By Truan: Paying tribute to Hoechst Celanese Corporation's 31 Corpus Christi Technical Center research scientists and engineers who helped to invent 28 patents.

**ADJOURNMENT**

The President announced the purpose of the Joint Session had been accomplished and declared the Senate at 10:20 a.m. would stand adjourned, in memory of Bernard G. Peck, Mayor of Angleton, until 9:00 a.m. tomorrow, in accordance with a motion previously adopted by the Senate.

**SECOND DAY**  
(Tuesday, July 16, 1991)

The Senate met at 9:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sibley, Sims, Tejeda, Truan, Turner, Whitmire, Zaffirini.

A quorum was announced present.

The Reverend Albert Elam, First Baptist Church, Dale, offered the invocation as follows:

Dear God, we come to You in the name of Jesus Christ our Lord to ask for understanding with grace, knowledge with love and wisdom for the task before us today. We would that Your will be done as we seek answers to meet the needs of our people. We ask for these blessings in the name of Jesus. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**CO-AUTHORS OF SENATE BILL 1**

On motion of Senator Montford and by unanimous consent, Senators Brooks, Armbrister and Ratliff will be shown as Co-authors of S.B. 1.

**CO-AUTHOR OF SENATE BILL 2**

On motion of Senator Parker and by unanimous consent, Senator Tejeda will be shown as Co-author of S.B. 2.

**CO-AUTHOR OF SENATE BILL 5**

On motion of Senator Glasgow and by unanimous consent, Senator Montford will be shown as Co-author of S.B. 5.

**CO-AUTHOR OF SENATE BILL 8**

On motion of Senator Harris of Dallas and by unanimous consent, Senator Montford will be shown as Co-author of S.B. 8.

**CO-AUTHOR OF SENATE BILL 22**

On motion of Senator Brooks and by unanimous consent, Senator Tejeda will be shown as Co-author of S.B. 22.